

STATE OF CALIFORNIA
DEPARTMENT OF MOTOR VEHICLES

VEHICLE INDUSTRY NEWS

VIN 2001-18

Subject : 2001 Legislation

Background

This is a brief summary of the 2001 Legislation which will impact the Department of Motor Vehicles' (DMV) operations. All changes become effective January 1, 2002, unless otherwise stated. Many of the programs are under development.

This is not a complete report of all of the 2001 legislative bills.

Distribution

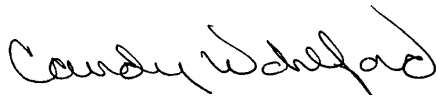
This memo was distributed in December 2001 to the following:

- Dealers
- Dismantlers
- Registration Services

Contact

Contact your local DMV field office regarding questions on processing transactions; or contact the DMV Customer Communications Section at (916) 657-6560 for further clarification of this memo.

Upon request, this document can be produced in Braille or large print.



CANDY WOHLFORD, Deputy Director
Communication Programs Division

VEHICLE REGISTRATION	
<i>Code Reference</i>	<i>Comments</i>
Amend, repeal, and add: Vehicle Code §5068 VETERAN'S LICENSE PLATE DECALS	Lowers the cost of a replacement decal (adhesive sticker) from \$35 to \$10. The decal displays the particular branch of service or battle campaign of a Veterans' Organization special interest license plate owner.
Amends: Vehicle Code §§22511.55, 22511.59 DISABLED PERSON PLACARD FEE	Deletes reference to the \$6 application fee paid for a permanent disabled person parking placard or a substitute or a temporary "travel" placard. This bill also requires the permanent parking placard to have a contrasting color on the part of the placard that changes at renewal.
Amend and repeal: Health and Safety Code §44015 SMOG CERTIFICATE	Deletes the January 1, 2002, sunset date which extends the validity of a smog certificate issued to a licensed dealer. The certificate is valid for two years or until the vehicle is sold and registered to a retail buyer, whichever occurs first.
Revenue & Taxation Code §6368.8 SALES/USE TAX EXEMPTION	Provides an exemption from state and local sales and use taxes for the sale and leaseback of public transportation vehicles, vessels, and related equipment until January 1, 2004.
Add and repeal: Vehicle Code §4000.11 CAR RENTALS	Allows car rental companies to rent non-California registered vehicles for <i>intrastate</i> use until December 31, 2001. (Urgency clause effective October 3, 2001.)
Revenue & Taxation Code §§10754, 10903, 10754.2 VLF REBATE	Discontinues the VLF rebate process starting July 1, 2001. This bill also repeals specified "triggers" that would have incrementally increased the amount of subsequent offsets based on General Fund projections and establishes a permanent 67.5% offset, starting July 1, 2000.
Health & Safety Code §44017.4 MODEL YEAR ASSIGNMENT	Provides assignment of a model year to specially constructed motor vehicles for smog control and inspection purposes. Allows the owner to choose the vehicle's appearance or engine for year model determination. Requires DMV to register no more than the first 500 vehicles that meet the specified criteria each year under these provisions.
Amend: Vehicle Code §35555 COTTON MODULE MOVERS	Allows cotton module movers to operate on <i>state</i> highways during specified times of the year and in specified counties. These vehicles must be operated in compliance with driver license, size, brake, and light requirements, even when exceeding weight limits established for other vehicles.

VEHICLE REGISTRATION	
<i>Code Reference</i>	<i>Comments</i>
Amends: Vehicle Code §§9250.7, 22710 ABANDONED VEHICLE ABATEMENT PROGRAM	Eliminates the sunset date on the Abandoned Vehicle Abatement Program which allows counties to establish a vehicle registration surcharge to fund vehicle abatements. The bill also allows the abatement authority to extend the fee collections in increments of up to ten years, if the county board of supervisors, by a two-thirds vote, adopts resolutions to extend the fee. The bill also includes more stringent measures for holding the service authorities accountable for the fees collected. The bill provides a one-year suspension in fee collection for noncompliance.
Amend: Vehicle Code §4161 HARLEY-DAVIDSON ENGINE CASINGS	Allows engine casings from Harley-Davidson motorcycles to be resold, rather than destroyed upon replacement.
Amends Vehicle Code §35400 45' HOUSECAR REGISTRATION	Allows housecars over 40 feet but not over 45 feet to be registered for use on certain highways.

<i>DRIVER LICENSE & FINANCIAL RESPONSIBILITY</i>	
<i>Code Reference</i>	<i>Comments</i>
Amends: Vehicle Code §§12804.9, 14100 Adds: Vehicle Code §§2429.3, 12804.10, 12804.15 45' HOUSECAR ENDORSEMENT	Allows housecars over 40 feet but not over 45 feet in length to operate on specified roadways in California. The drivers are required to obtain a noncommercial Class B license with a housecar endorsement and submit a medical questionnaire as part of the testing process.
Amend: Vehicle Code §14602.6 VEHICLE IMPOUNDS	Makes various changes to the vehicle impoundment procedures provided in the Vehicle Code, including the conditions that allow for an early release of a vehicle and information that must be provided to the public regarding the impoundment process.
Amend: Vehicle Code §23550.5 DUI CONVICTIONS	Removes the ten year limit on certain vehicular manslaughter convictions used as “prior” violations by the courts to increase penalties for DUI offenders. This bill establishes an alternate felony/misdemeanor offense for any person convicted of a DUI or DUI involving injury whenever the offender has been convicted of one of these offenses.
Amends: Vehicle Code §§16000, 16002, 27363, 27365 Repeal and add: Vehicle Code §27360.5 CHILD RESTRAINT SYSTEMS	Prohibits a parent or legal guardian from allowing his or her child or ward from being transported upon a highway without using a child passenger restraint system. This bill also moves existing language regarding the accident reporting responsibilities of transit drivers to a more appropriate location in the Vehicle Code. (Urgency clause effective July 19, 2001.)
Amends: Vehicle Code §§1672, 12811, 13005 ORGAN/TISSUE DONOR REGISTRY	Enacts the Organ and Tissue Donor Registry Act of 2001 and establishes an Organ and Tissue Donor Registry within the California Health and Human Services Agency. This bill removes DMV’s requirement to provide a “donor card” to all DL/ID card holders. Instead, DMV must provide a form that instructs persons to mail the completed form to the Health and Human Services Agency. Implementation is contingent upon sufficient donations to support establishing the registry and defraying the administrative costs for the first year of operation.

<i>DRIVER LICENSE & FINANCIAL RESPONSIBILITY</i>	
<i>Code Reference</i>	<i>Comments</i>
<p>Amends: Vehicle Code §1656.3</p> <p>Adds: Vehicle Code §§1666.5, 21376</p> <p>ABANDONED/DUMPED ANIMALS</p>	<p>Requires Caltrans to place signs on major state highways stating it is illegal to abandon or dump animals.</p> <p>Requires DMV to include a question on the law test, on a rotating basis, dealing with abandoning and/or dumping of animals. This information must also be included in the <i>California Driver Handbook</i>.</p>
<p>Add: Division 6.7 starting with Vehicle Code §15600</p> <p>UNATTENDED CHILD IN MOTOR VEHICLE</p>	<p>Makes it an infraction to leave a child under the age of six unattended in a motor vehicle. This bill creates a fund for public education regarding the dangers of leaving a child in a vehicle. This bill also provides for the distribution of the fines.</p> <p>Requires DMV to include a question on the law test, on a rotating basis, dealing with leaving an unattended child in a motor vehicle. This information must also be included in the <i>California Driver Handbook</i>.</p>
<p>Amends: Vehicle Code §§1808, 13353, 13353.1, 13353.3, 13386, 23249, 23575</p> <p>ALCOHOL/DRUG CONVICTION</p>	<p>Requires DMV to make available to courts and law enforcement agencies any conviction of specified vehicle offenses involving alcohol and drugs.</p> <p>Specifies that convictions of any offense in any state, territory, U.S. possession, District of Columbia, Puerto Rico, or Canada will be considered a conviction in California.</p> <p>Revises the scope and reporting requirements of a DMV study regarding ignition interlock devices and clarifies various provisions pertaining to ignition interlock devices.</p>
<p>Add and repeal: Vehicle Code §1680</p> <p>STUDY ON DUI PROGRAMS</p>	<p>Requires DMV to review scientific and empirical (observed) evidence on the effectiveness of DUI programs, procedures, sanctions, fines, and fees. The bill also requires the department to report its findings and recommendations to the Legislature on or before July 1, 2002.</p>
<p>Amends: Vehicle Code §§15242, 34520, 34623</p> <p>DRUG/ALCOHOL SCREENING</p>	<p>Clarifies the responsibilities of motor carriers to ensure existing provisions relating to drug and alcohol screening for commercial vehicle drivers are followed and establishes additional sanctions for non-compliance.</p>

<i>OCCUPATIONAL LICENSING & LAW ENFORCEMENT</i>	
<i>Code Reference</i>	<i>Comments</i>
Amends: Vehicle Code §§626, 11200, 11208 VOLUNTARY ATTENDANCE AT TRAFFIC SCHOOL	Removes the requirement that a person must be authorized by a court to attend traffic violator school. This bill allows drivers to voluntarily attend such programs.
Amends: Vehicle Code §§286, 1660 NONPROFIT AGENCY VEHICLE SALES	Allows a nonprofit agency to process the sale of vehicles donated to another nonprofit agency and, in consideration of those services, to retain a portion of the proceeds. The bill also establishes specific record keeping criteria for the nonprofit agencies in order to facilitate DMV's audit responsibilities.
Amend: Vehicle Code §11713.1 Add: Vehicle Code §11709.3 ADVERTISED SALE PRICE	Establishes additional consumer protection measures to ensure that vehicle dealers sell a vehicle at its advertised selling price regardless of whether or not the purchaser is aware of the advertised price. The bill also requires dealers to disclose that the California tire fee is among those specified items, such as sales tax and registration fees, that may be excluded from the advertised price of a vehicle.
Amend: Vehicle Code §11704.5 VEHICLE WHOLESALE/RETAIL SALES EDUCATION PROGRAM	Modifies existing law that requires applicants who intend to sell used vehicles on a retail or wholesale basis to first successfully complete an education program and written test. Current law also requires most dealers to successfully complete a "refresher" course every two years after the issuance of the license. This bill exempts from the "refresher" course requirement wholesale-only dealers, who deal with less than 50 vehicles subject to registration during a one-year period.

RECORDS ACCESS & CONFIDENTIALITY	
Code Reference	Comments
Amend: Vehicle Code §1808.4 ADDRESS CONFIDENTIALITY	<ol style="list-style-type: none"> 1. Makes trial court employees and county psychiatric social workers, spouses, and children eligible for special home address confidentiality. The bill authorizes attorneys to obtain confidential home address information. 2. Makes nonsworn law enforcement personnel in a “sensitive” position, and their spouses and children, eligible for special address confidentiality. 3. An emergency clause makes DMV Licensing/Registration Examiners; CHP Motor Carrier Specialists 1; and Museum Security Officers and Supervising Museum Security Officers eligible for special address confidentiality. <p>NOTE: The confidentiality provisions of this bill no longer authorize special protection for the employees shown in Group 3 above as of January 1, 2002.</p>
Amend and repeal: Vehicle Code §1808.25 RELEASE OF CONFIDENTIAL ADDRESS	Extends until January 1, 2004, a pilot program authorizing the release of confidential home address information to private universities for parking enforcement purposes.
Government Code §§6253, 6253.1 REQUESTS FOR PUBLIC RECORDS	Requires state and local agencies to assist the public in making requests for public records and to state the estimated date and time when the records would be made available.
Amends: Vehicle Code §§2430.3, 2432, 21211, 22851 Add: Vehicle Code §1685 Add and repeal: Vehicle Code §2425 PRIVATE SECTOR BUSINESS PARTNERS	Authorizes DMV to establish private sector business partner relationships to complete vehicle registration and titling transactions. This concept will improve the level of DMV service provided to our customers and will not eliminate or downsize civil service positions. (Urgency clause effective July 30, 2001.)
Civil Code §§1785.15, 1785.11.1-4, 1785.11.6 USE OF SOCIAL SECURITY NUMBERS	Restricts the use of Social Security numbers as identifiers by persons and entities, <i>other than state and local agencies</i> . Requires credit reporting agencies to place security alerts and security freezes on an individual’s credit report upon notification.

TRUCKING INDUSTRY & IRP COMPLIANCE	
<i>Code Reference</i>	<i>Comments</i>
<p>Amends: Vehicle Code §§15210, 15240, 15300, 15302, 22452, 22526, 34510, 40001</p> <p>Add: Vehicle Code §15312</p> <p>Repeal: Vehicle Code §35559</p> <p>COMMERCIAL DRIVER SANCTIONS</p>	<p>Updates California laws to conform to federal guidelines.</p> <p>The bill also establishes additional violations for which sanctions against a commercial driver or the employer of a commercial driver could be taken.</p>
<p>Amends: Vehicle Code §§4000.6, 4004, 4150.1, 4452, 4458, 5011, 5014.1, 5017, 5101, 5301, 5902, 9250.7, 9250.8, 9250.10, 9250.13, 9250.14, 9250.19, 9400, 9400.1, 9407, 9408, 9700, 9706</p> <p>Add: Vehicle Code §9400.3;</p> <p>Repeal: Vehicle Code §666</p> <p>GROSS VEHICLE WEIGHT</p>	<p>Makes technical changes to various Vehicle Code sections pertaining to the gross vehicle weight fee system for trucks and the permanent trailer identification plate program.</p>
<p>Add: Vehicle Code §4601.5</p> <p>VEHICLE LICENSE FEES</p>	<p>This bill makes the International Registration Plan (IRP) and Partial Year Registration Program (PYR) vehicles subject to VLF fee reductions or increases one year earlier than currently provided.</p>
<p>Amends: Vehicle Code §§285, 286, 296, 297, 331, 331.1, 331.2, 672, 9250.15</p> <p>Adds: Vehicle Code §§4004.7, 8058, 9259.3, 9259.5</p> <p>IRP PERMITS</p>	<p>Allows DMV to issue a permit for the operation of unregistered and unladen California-based International Registration Plan vehicles.</p> <p>Authorizes DMV to assess interest and penalty rates when apportioned fees are underpaid and establishes the IRP membership fee at a level that covers California's actual costs.</p> <p>Codifies current policy pertaining to the collection of IRP fees, and ensures that trailer manufacturers, distributors, transporters, and dealers continue to fall under the department's occupational licensing program.</p>

TRANSPORTATION OMNIBUS ISSUES	
<i>Code Reference</i>	<i>Comments</i>
<p>Amends: Vehicle Code §§545.1, 1675, 1677, 11212, 11222, 11715, 14900.1, 16000, 16050, 16051, 16052, 16054, 16054.2, 16055, 16070, 23103, 25108</p> <p>Add: Vehicle Code §24616</p> <p>Repeals: Vehicle Code §§15250.2, 15255</p> <p>VARIOUS TOPICS</p>	<p>Makes various technical changes and corrections to the Vehicle Code:</p> <ul style="list-style-type: none"> discontinues requiring mature driver course providers to transmit copies of each participant's certificate to the department. discontinues requiring mature driver course providers to report the records of enrolled students and the records of the satisfactory course completion to the department. clarifies that community college drivers are exempt from holding a School Bus Certificate or School Pupil Activity Bus Certificate when transporting enrolled students. clarifies that vehicles used to transport pupils of small community college districts are not to be classified as "school buses" unless they are transporting students who are at the 12th grade level or below and are not currently enrolled in college. clarifies that a dealer who provides a test drive vehicle to a customer cannot allow the customer to keep the vehicle more than seven days.
<p>Amends: Vehicle Code §§4000.6, 5014.1, 5017, 6700.2, 9400.1, 9410, 9862.5, 12509, 16020, 16028, 20002, 34672</p> <p>Add: Vehicle Code §24612</p> <p>VARIOUS TOPICS</p>	<p>Makes various technical changes and corrections to the Vehicle Code:</p> <ul style="list-style-type: none"> for persons with disabilities, increases the weight of a commercial vehicle entitled to an exemption to 8,001 pounds unladen (was 6,001). The bill also makes a corresponding change for nonresident daily commuters. applies the same calculation method for figuring penalties on vessel transactions as used for vehicle penalties. The penalty will be rounded up to the nearest dollar if the penalty amount <i>equals</i> or exceeds 50 cents. provides that a driver's financial responsibility status will be available to law enforcement electronically only when the department provides the capability. provides that evidence of financial responsibility must include the name of the insurance company and policy number. provides that a driver must present evidence of financial responsibility to a "traffic collision investigator" upon demand. removes the \$20 returned check charge imposed on motor carriers. This bill applies the department's standard returned check charge.